

104TH CONGRESS  
2D SESSION

# H. R. 3485

To require the Secretary of Agriculture to conduct an adaptive forest management research program in Colville National Forest, Washington, that will provide for a creditable, science-based approach to manage fire-generated, overstocked, small-diameter, stagnated forest stands for the purposes of improving forest health, providing wood fiber for manufacturing facilities in forest-dependent communities, and meeting current and future environmental needs.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 1996

Mr. NETHERCUTT introduced the following bill; which was referred to the Committee on Agriculture

---

## A BILL

To require the Secretary of Agriculture to conduct an adaptive forest management research program in Colville National Forest, Washington, that will provide for a creditable, science-based approach to manage fire-generated, overstocked, small-diameter, stagnated forest stands for the purposes of improving forest health, providing wood fiber for manufacturing facilities in forest-dependent communities, and meeting current and future environmental needs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Colville National For-  
3 est Adaptive Management of Timber Resources Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) Forest vegetation on Federal lands in the  
7 intermountain West, including eastern Washington  
8 and particularly the Colville National Forest in the  
9 State of Washington, is in an extremely overstocked  
10 condition due to fire exclusion and nonmanagement,  
11 resulting in unhealthy, low-vigor stands that are sus-  
12 ceptible to disease, insects, and fire.

13 (2) The value of this forest vegetation far ex-  
14 ceeds the cost of managing these stands for a  
15 healthy, productive ecosystem, but the current regu-  
16 latory structure of overlapping directives and plan-  
17 ning documents hinders management of this forest  
18 vegetation in a manner necessary to achieve, simul-  
19 taneously, healthy and productive ecosystems and  
20 community benefits.

21 (3) The current regulatory structure and overall  
22 policy direction further hinder the flexibility of the  
23 Forest Service to plan and prepare projects that ef-  
24 fectively consider local conditions and opportunities  
25 or capture market opportunities.

1           (4) Federal budgetary limitations have reduced  
2       the trained and experienced Forest Service  
3       workforce below the level necessary to plan for and  
4       maintain healthy and productive ecosystems. At the  
5       same time the Forest Service is forced to spend a  
6       disproportionate amount of its resources on plan-  
7       ning, with insufficient resources remaining to imple-  
8       ment scientifically acceptable forest management ac-  
9       tivities.

10          (5) Implementation of adaptive management  
11       techniques in selected areas of the Colville National  
12       Forest will provide a healthy ecosystem, provide for  
13       long-term national fiber needs, generate funds in ex-  
14       cess of costs, and stimulate the economies of local,  
15       resource-dependent communities.

16          (6) The scientific knowledge gained from  
17       projects conducted using the adaptive management  
18       techniques required under this Act will benefit simi-  
19       lar forest stands throughout the intermountain  
20       West.

21          (7) The economic knowledge gained from such  
22       projects will benefit management projects in all tim-  
23       ber stands.

24   **SEC. 3. PURPOSES.**

25       The purposes of this Act are the following:

1           (1) To combat the adverse human and environ-  
2           mental consequences of catastrophic wildfire, includ-  
3           ing immediate-term loss of life, vegetation, soil,  
4           water, and nearby land use, and long-term loss of  
5           land productivity and continuous resource flow.

6           (2) To use a creditable, science-based, adaptive  
7           management approach to manage fire-generated,  
8           overstocked, small-diameter, stagnated forest stands  
9           to improve forest health, meet current and future  
10          environmental needs, and provide wood fiber for  
11          processing in dependent communities.

12          (3) To demonstrate the cost-effective use of pri-  
13          vate contractors to perform substantive planning  
14          and plan implementation tasks for the Forest Serv-  
15          ice.

16 **SEC. 4. PREPARATION, IMPLEMENTATION, AND EVALUA-**  
17 **TION OF ADAPTIVE FOREST MANAGEMENT IN**  
18 **COLVILLE NATIONAL FOREST.**

19          (a) ADAPTIVE MANAGEMENT RESEARCH PLAN RE-  
20 QUIRED.—Not later than 1 year after the date of the en-  
21 actment of this Act, the Secretary of Agriculture shall pre-  
22 pare and submit to Congress a research plan, including  
23 supporting environmental documents, that provides for the  
24 implementation and evaluation of controlled silvicultural  
25 treatment in fire-generated, overstocked, small-diameter,

1 stagnated forest stands in designated areas of the Colville  
2 National Forest in the State of Washington for the pur-  
3 pose of testing the effect of adaptive management tech-  
4 niques in the treatment of such forest stands.

5 (b) AREAS COVERED BY PLAN.—The research plan  
6 prepared under subsection (a) shall apply to the following  
7 areas of the Colville National Forest:

8 (1) The approximately 110,000 acres of the  
9 Colville National Forest identified as economically  
10 suited for adaptive management techniques in the  
11 Forest Service study of 1989–1994 regarding creat-  
12 ing opportunities.

13 (2) Other lands in the Colville National Forest  
14 selected by the Secretary as having characteristics  
15 similar to the lands identified in paragraph (1).

16 (c) IMPLEMENTATION OF PLAN.—The Secretary  
17 shall implement the research plan prepared under sub-  
18 section (a) not later than the second full field season be-  
19 ginning after the date of the enactment of this Act. The  
20 Secretary may begin an initial demonstration project  
21 based on a preliminary draft of the research plan as soon  
22 as practicable in an area of approximately 10,000 acres.

23 (d) USE OF PRIVATE SECTOR.—Subject to the avail-  
24 ability of funds for this purpose under subsection (e), the  
25 Secretary may use private contractors, including individ-

1 uals and groups involved in the preparation of the study  
2 referred to in subsection (b)(1), in the preparation and  
3 implementation of the research plan required under sub-  
4 section (a) and in monitoring the effects of the research  
5 plan under subsection (i). To the greatest extent prac-  
6 ticable, such private contractors shall be selected from  
7 communities adversely affected by reductions in the timber  
8 sale program of the National Forest System.

9 (e) FUNDING.—

10 (1) ESTABLISHMENT OF SPECIAL ACCOUNT.—

11 To fund the preparation and implementation of the  
12 research plan required under subsection (a), the Sec-  
13 retary shall establish an account to be known as the  
14 “Ecosystem Adaptive Management Demonstration  
15 Account”.

16 (2) FUNDS FOR ACCOUNT.—There shall be allo-  
17 cated or transferred to the account the following:

18 (A) A portion of the amount annually allo-  
19 cated to the Colville National Forest pursuant  
20 to any other provision of law, to be based on  
21 the proportion of the Colville National Forest  
22 subject to the research plan.

23 (B) The amounts deposited pursuant to  
24 subsection (g)(3).

1 (C) Any amounts borrowed under para-  
2 graph (3).

3 (3) BORROWING AUTHORITY.—To the extent  
4 necessary to fund startup costs under the research  
5 plan, the Secretary may borrow amounts from sal-  
6 vage sale accounts of the Forest Service or amounts  
7 available under the Act of June 9, 1930 (16 U.S.C.  
8 576 et seq; commonly known as the Knutson-Van-  
9 denberg Act). The Secretary shall repay amounts  
10 borrowed, without interest, using funds deposited in  
11 the account under subsection (g)(3).

12 (f) USE OF ACCOUNT.—The Secretary shall use  
13 amounts in the special account established under sub-  
14 section (e) for—

15 (1) the design and implementation of research  
16 projects conducted under the research plan prepared  
17 under subsection (a), except that the Secretary shall  
18 use funds from other sources to cover any costs re-  
19 lated to appeals or litigation concerning those  
20 projects; and

21 (2) to the extent amounts remain available in  
22 the special account after expenditures under para-  
23 graph (1), vegetative management activities, fuels  
24 treatment, monitoring, and watershed improvement

1 projects within the areas covered by the research  
2 plan.

3 (g) TREATMENT OF RECEIPTS.—Receipts generated  
4 from the sale of forest products resulting from silvicultural  
5 treatments under the research plan prepared under sub-  
6 section (a) shall be deposited or utilized as follows:

7 (1) 25 percent shall be deposited in the general  
8 fund of the Treasury of the United States as a mis-  
9 cellaneous receipt, pursuant to the procedures speci-  
10 fied in the fifth paragraph under the heading “FOR-  
11 EST SERVICE” in the Act of March 4, 1907 (34  
12 Stat. 1270; 16 U.S.C. 499), and related laws.

13 (2) 25 percent shall be provided to the State of  
14 Washington pursuant to the procedures specified in  
15 the sixth paragraph under the heading “FOREST  
16 SERVICE” in the Act of May 23, 1908 (35 Stat.  
17 260; 16 U.S.C. 500).

18 (3) 50 percent shall be deposited in the special  
19 account established under subsection (e).

20 (h) SCHEDULE OF SILVICULTURAL TREATMENTS.—  
21 Silvicultural treatments under the research plan prepared  
22 under subsection (a) shall be conducted during the 10-year  
23 period beginning on the date the research plan is first im-  
24 plemented. The total number of acres treated in each of



1 the first 5 years shall not vary by more than 20 percent  
2 from  $\frac{1}{10}$  of the total acres covered by the research plan.

3 (i) MONITORING AND REPORTS.—The Secretary shall  
4 commence monitoring of the effects of research activities  
5 under the research plan prepared under subsection (a) im-  
6 mediately after implementation of the research plan. Mon-  
7 itoring activities shall continue for a period of not less  
8 than 15 years. At 5-year intervals during the monitoring  
9 period, the Secretary shall submit to Congress a report  
10 containing the results of the monitoring, findings derived  
11 from the research projects under the research plan, and  
12 the implications of such findings for management of simi-  
13 lar overstocked stands. Each report shall include a de-  
14 tailed accounting of direct costs and returns associated  
15 with the implementation of the research plan.

○